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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,974

10/20/2006

Shinichi Nomura

128581

2731

25944 7590 05/26/2009

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EXAMINER

LE, THANH TAM T

ART UNIT

PAPER NUMBER

2839

MAIL DATE

DELIVERY MODE

05/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,974	NOMURA ET AL.	
	Examiner	Art Unit	
	Thanh-Tam T. Le	2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8 and 10-17 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/28/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 8/28/2006 is being considered by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 12, it is not clear what further limitation of the claim is.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 7-8 and 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Taniguchi et al. (6,478,101).

Taniguchi et al. in figures 1-4, disclose a driving apparatus comprising a transmission mechanism portion (D1), a motor (6) housed in a motor housing (15) located at an engine side (13) of the transmission mechanism portion and a clutch (3) interposed between an engine output shaft (52) and an input shaft (10) of the transmission mechanism portion; wherein a secondary side of the clutch, which is connected to the input shaft and configured by a cover (51). The cover houses friction plates (37) of the clutch, an actuator, and a primary side member connected to the engine output shaft. Taniguchi et al. also disclose a rotor (43) of the motor is integrally connected to the cover, which is the secondary side of the clutch. Taniguchi et al. also disclose a stator (42) of the motor is fixed to the motor housing, a front hub positioned at the engine side of the cover is rotatably supported at a front wall member of the motor housing; and a rear hub positioned at the transmission mechanism portion side of the cover is rotatably supported at a rear wall member of the motor housing (as shown in figure 2).

Regarding claim 2, Taniguchi et al. discloses an inside of the cover (30), which is configured to be oil-tight an inside of the motor housing separated by the cover, the front wall member, and the rear wall member is configured to be a non-oil bath space that is not immersed in oil, and the motor including the rotor and the stator, is located in the non-oil bath space.

Regarding claim 3, Taniguchi et al. discloses an oil seal (col. 5, lines 50-54), which is provided at each of the front hub and the rear hub, and the non oil bath bath space is configured to be a dry space.

Regarding claim 4, Taniguchi et al. discloses a sensor (47) that detects a rotational angle of the rotor is fixed at the rotor and the front wall member of the motor housing.

Regarding claim 7, Taniguchi et al. disclose an oil seal (25) is provided at each of the front wall member and the rear wall member to configure the non oil bath space, a scatter hole is provided at the cover so that oil can be scattered, and the motor is located so that the oil scattered from the scatter hole can hit the stator.

Regarding claim 8, Taniguchi et al. disclose the front wall member of the motor housing, which is configured with a separation wall member integrally fixed to the motor housing and a sub separation wall member secure to the separation wall member in such a manner that the sub separation wall member is detachable from an outside, and a sensor that detects a rotational angle of the rotor is fixed at the rotor and the sub separation wall member.

Regarding claim 10, Taniguchi et al. disclose the primary side member including a damper spring (38), which is located in the cover.

Regarding claim 11, Taniguchi et al. disclose a damper spring , which is located outside the cover.

Regarding claim 13, Taniguchi et al. disclose the rear wall member of the motor housing, which is an oil pump assembly (22) integrally located at a fixed portion between a transmission case of the transmission mechanism portion and the motor housing, a cylindrical portion of the rear hub is rotatably supported at a pump body of the oil pump assembly through a first rotation-supporting member, the front wall member of the motor housing is a separation wall member integrally fixed to the motor housing, and a cylindrical portion of the front hub is rotatably supported at an inner diameter portion of the separation wall member through a second rotation-supporting member.

Regarding claim 14, Taniguchi et al. disclose the rear wall member of the motor housing is an oil pump assembly (22) integrally located at a fixed portion between a transmission case of the transmission mechanism portion and the motor housing, a cylindrical portion of the rear hub is rotatably supported at a pump body of the oil pump assembly through a first rotation-supporting member the front wall member of the motor housing is configured with a separation wall member integrally fixed to the motor housing and a sub separation wall member secured to an inner peripheral portion of the separation wall member from an outside, a cylindrical portion of the front hub is

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rotatably supported at an inner diameter portion of the separation wall member through a rotor of the motor and a second rotation-supporting member.

Regarding claim 15, Taniguchi et al. disclose an intermediate member, which is interposed between the engine output shaft and the primary side member.

Allowable Subject Matter

7. Claims 5-6 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Tam T. Le whose telephone number is 571-272-2094. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on 571-272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh-Tam T. Le/
Primary Examiner, Art Unit 2839.
5/11/09.